

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) **Case No. 13-03018-01-CR-MDH**
)
)
TIMUR MITCHELL SHORT,)
)
)
Defendant.)

ORDER

This matter is before the Court on the issue of defendant's competency to stand trial.

Counsel for defendant originally filed a motion pursuant to 18 U.S.C. §§ 4241 and 4242 requesting that defendant undergo a psychiatric examination to determine defendant's competency to stand trial and his sanity at the time of the alleged offense.¹ (Doc. No. 20). The matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). The United States Magistrate Judge has completed his review of the matter, has conducted a hearing and has submitted his Report and Recommendation regarding defendant's competency to stand trial. (Doc. No. 47). Defendant has not filed any exceptions to the report and recommendation and the time to do so has expired. As such, the matter is ripe for ruling.

The unanimous expert opinion is that defendant is now competent to stand trial. Therefore, after an independent review of the file and records in this matter, the Court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly

¹ Defendant subsequently moved to withdraw the motion for an examination to determine his sanity at the time of the alleged offense. The motion to withdraw that request has been granted by the United States Magistrate Judge. (Doc. No. 46).

in his defense. As such, the Court adopts the Report and Recommendation. (Doc. No. 47).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**.

IT IS FURTHER ORDERED that defendant is presently competent to proceed with the trial in this matter.

IT IS FURTHER ORDERED that defendant's case be set for trial.

IT IS SO ORDERED.

DATED: September 26, 2014

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE